



ARKANSAS JUDICIARY

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Rule 10. Form Of Pleadings.

(a) Caption; Names of Parties. Every pleading shall contain a caption setting forth the name of the court, the title of the action, the file number and a designation as in Rule 7 (a). In the complaint, the title of the action shall include the names of all the parties, but in other pleadings, it is sufficient to state the name of the first party on each side with an appropriate indication of other parties.

(b) Paragraphs; Separate Statements. All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense.

(c) Adoption by Reference; Exhibits. Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion. A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes.

(d) Required Exhibits. A copy of any written instrument or document upon which a claim or defense is based shall be attached as an exhibit to the pleading in which such claim or defense is averred unless good cause is shown for its absence in such pleading.

Reporter's Notes to Rule 10: - 1. Section (a) of Rule 10 is identical to FRCP 10(a) and generally follows prior Arkansas law. Superseded Ark. Stat. Ann. 27-1113 (Repl. 1962) dealt with captions in complaints and superseded Ark. Stat. Ann. 27-1121 (Repl. 1962) dealt with captions in answers. Also, the use of only one plaintiff, defendant or other party when there are multiple parties was previously permitted by superseded Ark. Stat. Ann. 27-1121 (1) (Repl. 1962).

2. Section (b) is identical to FRCP 10(b) with the exception of the omission of the phrase "whenever a separation facilitates the clear presentation of the matters set forth" found in the second sentence. This rule makes it mandatory that each claim founded upon a separate transaction or occurrence and each defense other [than] denials be stated in separate counts or defenses. This is consistent with the requirements contained in superseded Ark. Stat. Ann. 27-1114 (Repl. 1962) and superseded Ark. Stat. Ann. 27-1121 (4) (Repl. 1962).

3. The purpose of Section (c) is to permit the incorporation by reference of prior allegations and thus encourage short and concise pleadings.

4. Section (d) marks a deviation from FRCP 10 in that the attachment of exhibits is here made mandatory unless good cause is stated in the pleading to justify their absence. This provision is similar to superseded Ark. Stat. Ann. 27-1144 (Repl. 1962), except there is no requirement here that the best evidence of a written instrument be filed in the absence of the original. No attempt has been made by the Committee to define good cause which justifies the failure to

attach an exhibit to a pleading; instead, the courts are given the discretion to make such determination. It is the intent, however, that exhibits should be attached to pleadings in all but exceptional cases.

Associated Court Rules:

Rules of Civil Procedure

Group Title:

III. Pleadings and Motions

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